

REMARKS

By this Amendment, Applicants amend claims 1-7, 9-17, and 19-21 to more appropriately define Applicants' invention. Claims 1-22 remain pending in this application.

In the Office Action,¹ the Examiner rejected claims 1-22 under 35 U.S.C. § 101, and rejected claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Cook et al. (U.S. Patent No. 5,727,950).

REJECTION UNDER 35 U.S.C. § 101

Applicants respectfully traverse the rejection of claims 1-22 under 35 U.S.C. § 101. Applicants have amended independent claims 1, 11, and 21 to more clearly recite in the body of the claims structure or functionality that indicates the computerized features of the claims. Since independent claims 1, 11, and 21 have been amended to clarify the computerized features of the claims, the claimed invention is well within the technology arts. Claims 2-10, 11-20, and 22 depend from claims 1, 11, and 21, respectively, and are therefore within the technology arts at least due to their dependences. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1-22 under 35 U.S.C. § 101.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

REJECTION UNDER 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Cook. To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(b), the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2121 (8th ed., Aug. 2001), *quoting* Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th ed. 2001), p. 2100-69.

Claim 1, as amended, recites a computer-implemented method for curriculum management including, among other steps, "automatically determining a sequencing of the one or more curriculum type elements based on the metadata." The Examiner has not demonstrated that Cook discloses at least this feature of claim 1.

Cook discloses providing "a student with a virtual tutor, by having agent software ... adapted to each student that offers a high quality of individualized student interaction." See col. 5, lines 20-24. Further, "[m]aterials engine 102 presents educational content such as instructional units, homework assignments, and testing to student 101." See col. 10, lines 59-61. Teachers and administrators may interact with materials engine 102 to "customize existing materials by adding additional items, modifying existing items, altering the order of item presentation, changing notations, ... [and] governing agent interaction." See col. 11, lines 45-49; see also col. 30, lines 4-10 ("The teacher can customer materials available to the students.") Accordingly, while a

teacher may select the order of item presentation for teaching materials based on personal preference, Cook does not teach a computer-implemented method for curriculum management including at least a step of “automatically determining a sequencing of the one or more curriculum type elements based on the metadata.”

Applicants further note that, consistent with embodiments of the present invention, curriculums may be defined in the abstract. For example, as described in the specification, “a curriculum [may] ... be defined without specifying actual course dates, locations, instructors and other details. Once a curriculum type is defined, it can be used later as the basis for defining one or more specific curriculums.” See page 1, line 24 to page 2, line 2². By contrast, Cook does not disclose defining the claimed “curriculum type.” Instead, Cook presents a student with instructional and testing materials. See Abstract; see also col. 10, lines 59-61. Accordingly, Applicants submit that Cook also does not teach Applicants’ method for curriculum management wherein “a curriculum type [is defined] that includes one or more curriculum type elements, the curriculum type being a template for a curriculum,” as recited in claim 1.

For at least the foregoing reasons, the rejection of claim 1 is improper since the Examiner has not shown that Cook anticipates all of the elements of claim 1.

Independent claims 11 and 21, as amended, while of a different scope from claim 1 and each other, include recitations of a scope similar to that of claim 1. Thus, for reasons similar to that given above for claim 1, the Examiner has also not established that Cook anticipates claims 11 and 21.

² In making the various references to the specification set forth herein, it is to be understood that Applicants are in no way intending to limit the scope of the claims to the exemplary embodiments described in the specification. Rather, Applicants expressly affirm that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation and applicable case law.

Claims 2-10, 12-20, and 22 depend from independent claims 1, 11, or 21 and are therefore also not anticipated by Cook at least due to their dependence from one of the independent claims.

Other features of the claims are also neither disclosed or taught by Cook. For example, the Examiner alleges Cook discloses “a method wherein the metadata specifies a capacity for the curriculum type,” as recited in claims 4 and 14, citing col. 32, lines 28-34. Applicants disagree. As described in Applicants’ specification, “capacity” refers to a capacity of students that may enroll in a curriculum. See page 6, lines 10-13. Cook, however, at col. 32, lines 28-34, discloses an “authoring step” of defining each exercise, where “the designer chooses names for this task and exercise, its prerequisites, and the skills to be acquired in accordance with school system standards.” These teachings of Cook, therefore, do not constitute Applicants’ claimed “capacity.” Accordingly, the Examiner has not demonstrated that Cook anticipates claims 4 and 14 for at least this addition reason.

The Examiner also alleges Cook discloses “a method wherein the different types of training courses include web-based trainings, classroom trainings, and on-the-job trainings,” as recited in claims 8 and 18, citing col. 21, line 58; col. 19, lines 13-17; and col. 7, line 45. Applicants disagree. While Cook discloses at col. 7, line 45, the “reporting of student performance ... to other appropriate individuals in a business enterprise,” Cook does not disclose or teach different training courses including at least Applicants’ claimed “on-the-job trainings.” Accordingly, the Examiner has not demonstrated that Cook anticipates claims 8 and 18 for at least this addition reason.

The Examiner further alleges Cook discloses "a method wherein defining a curriculum based on the defined curriculum type includes generating a list of training courses that match a particular curriculum type element ... and receiving user input selecting a training course from the list," as recited in claims 9 and 19, citing col. 32, lines 10-14 and 19-21. However, these citations to Cook disclose "authoring an instructional task" by "defining the task, defining each exercise, judging student inputs, defining exercise completion, and augmenting the materials with notations for the agent." See col. 32, lines 10-14. The designer may also provide "materials sequencing." See col. 32, lines 19-21. Designing instructional materials, however, does not constitute "generating a list of training courses that match a particular curriculum type element ... and receiving user input selecting a training course from the list," as recited in claims 9 and 19. Accordingly, the Examiner has not demonstrated that Cook anticipates claims 9 and 19 for at least this addition reason.

CONCLUSION

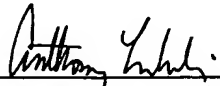
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: July 8, 2005

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